

REMARKS/ARGUMENTS

The last Office Action dated 7/07/2006 has been carefully considered.

Claims: Response to Rejections

The features as claimed are not found in either Yeo or Danneker (and therefore could not be found in the combination) and the combination could not realize the advantages or benefits of the claimed invention.

It is noted that Claims 5-6 and 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo (6,244,390) in view of Danneker (5,984,058). Yeo discloses an "In Ground Lift" and Danneker a "Cushioned Braking System". Examiner states that "It would have been obvious to an ordinary skill in the art at the time the invention was made to modify the apparatus of Yeo to include a cushioning apparatus of resilient material as taught by Danneker to be attached to the end of a lift arm so that the lift arm could be provided with a padded cushion to protect the arm from scratching or interfering with the lifted item in addition to providing a soft cushion for protection against accidents."

Examiner also states "Danneker further discloses an arm (14), an end cap (18) and a cushioning apparatus for attaching to the rectangular end comprising a solid body of resilient material having a plurality of exterior surfaces and a front section, two adjacent side sections substantially perpendicular to the front section, and a bottom section substantially perpendicular to the side sections ..."

Danneker however also includes a top section on the end cap which embodiments of the present invention do not contain. As clearly shown in Figs 1-5 of the present application, all embodiments of the invention have a substantially open top section. This design prevents the underside of an automobile or any protuberance on the top of the end of the lift arm from interfering with installation and continued placement of the

cushioning end cap. Danneker clearly discloses (Fig 1 of 5,984,058) an end cap with a top portion. This design would not allow application of such an end cap to the end of a vehicle hoist lift arm. The bottom of a vehicle could easily knock such a pad off and defeat the purpose of the end cap. In addition, there are often support posts or extensions on top of the end of the lift arm. Such modifications would also make the use of an end cap with a top section prohibitive or ineffective.

A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. See Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). MPEP 2141.02. As disclosed herein, there are structural differences between the embodiments of the present invention and the cited art that clearly distinguish the two.

In view of these considerations, it is respectfully submitted that the rejection of the submitted claims be considered as no longer tenable and should be withdrawn.

Amended and new claims 5-7 and 9-11 should be considered as patentably distinguishing over the cited art and a request for allowance is made.

Should the Examiner consider necessary or desirable any formal changes anywhere in the application, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned.

Respectfully submitted:

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